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FILED
IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE
2012 JUL 16 PM 1:48

SHANNON RUSSELBURG
RICHARD R. ROOKER, CLERK

Plaintiff,

v.

GREEN HILLS CHIROPRACTIC
CLINIC, LLC,

Defendant.

D.C.

Docket No.: 12C2792
JURY DEMAND (12)

COMPLAINT

Comes now the Plaintiff, by and through counsel, and would respectfully submit to the Court the following Complaint:

1. The Plaintiff Shannon Russelburg is a resident of the State of Tennessee, residing in Davidson County, Tennessee.

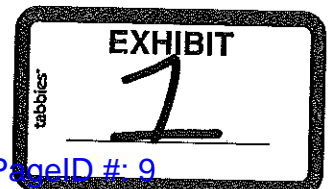
2. The Defendant Green Hills Chiropractic Clinic, LLC is a domestic limited liability company who is authorized to be and doing business in the State of Tennessee. The Defendant's principal place of business is at 2303 Crestmoor Road, Nashville, Tennessee 37215-2003. They can be served through their registered agent for service of process, James H. Porter, suite 2500, 511 Union Street, Nashville, TN 37219-1733

3. Jurisdiction in this matter is proper because the events giving rise to this matter took place in Davidson County, Tennessee.

FACTUAL BACKGROUND

4. The Plaintiff was hired by the Defendant on or about October 19, 2009 as a front office employee.

5. The Plaintiff suffers from Crohn's disease and notified the Defendant of



this condition at the time of her hire.

6. In July 2011, the Plaintiff suffered from an increase in symptoms of her condition, which resulted in her need for surgical intervention.

7. In July 2011, the Defendant requested that the Plaintiff attend a conference which required her to travel out of town. Due to her increased symptoms and the medication that she was taking to control the condition, her physician restricted her from travel.

8. The Plaintiff requested the reasonable accommodation of no traveling per her physician's recommendation. Although the accommodation was granted, the Plaintiff was subsequently subjected to discrimination and disparaging treatment by the Defendant.

9. In August of 2011, the Plaintiff underwent surgery for her Crohn's disease in an attempt to control her symptoms. She requested the reasonable accommodation of unpaid time off work to recover from this surgery.

10. The Plaintiff's physician recommended that she be off work to recover until October 10, 2011.

11. Plaintiff's request was granted.

12. On or about October 5, 2011, the Plaintiff contacted the Defendant and advised she was released to return to work, without any limitations. She was advised to report to work on October 10, 2011.

13. On or about October 10, 2011, the Plaintiff reported to work and was ready, willing and able to work and to perform her job duties without limitations.

14. On or about October 10, 2011, the Defendant terminated the Plaintiff's employment due to her disability. The Plaintiff's separation notice specifically states "the job is too stressful. It affects her health and ability to do job tasks."

DISABILITY DISCRIMINATION

15. Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 – 14 above.

16. At all times pertinent to this action, the Plaintiff was an employee of the Defendant with a "disability" within the meaning of the Tennessee Disability Act, Tennessee Code Annotated § 8-50-103.

17. At all times pertinent to this action, the Defendant was an "employer" within the meaning of the Tennessee Disability Act, Tennessee Code Annotated § 8-50-103.

18. The Plaintiff asserts from July 2011 through October 5, 2011, the Plaintiff was operating under a physical impairment that substantially limited one or more major life activities, which was apparent to and perceived by the Defendants.

19. Additionally, the Plaintiff informed the Defendant of her limitations and disabilities.

20. At the time of her termination, the Plaintiff suffered from Crohn's disease.

21. At the time of her termination, Plaintiff qualified as an individual with a disability consistent with the Tennessee Disability Act.

22. Plaintiff also contends that during her employment and until her termination, she suffered from substantial limitations of several major bodily functions including but not limited to functions of the autoimmune system and digestive system.

23. At the time of her termination, Plaintiff was not under any restrictions by her physician for her condition.

24. During her employment, management made negative comments about Plaintiff's health problems and her limitations.

25. At the time of her termination Plaintiff was able to perform all essential functions of her job.

26. The Defendant perceived or regarded the Plaintiff's medical condition as a handicap, consistent with the Tennessee Disability Act, Tennessee Code Annotated § 8-50-103.

27. During this applicable time period, the Plaintiff 1) suffered from one or more physical impairment that substantially limited one or more of the Plaintiff's major life activities; 2) the Plaintiff was qualified and able to perform the required job despite the handicap or disability; and 3) the Defendant knowingly discriminated against the Plaintiff because of her disability.

28. The Defendant's termination of the Plaintiff constituted an adverse employment action.

29. The Plaintiff avers the Defendant's reason for termination was illegal.

30. The Defendant's termination of the Plaintiff constituted a violation of the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 in conjunction with the Tennessee Human Rights Act.

31. The Defendant discriminated against the Plaintiff and treated her poorly from the time the Defendants knew of her disabling injuries until the date of her discharge.

32. At all relevant dates and times as forth herein, the Defendant is vicariously liable for the actions and inappropriate conduct of its employees, agents and/or representatives because: (a) the Defendant did not exercise reasonable care to promptly correct and prevent the handicap and disability discriminating behavior; (b) the Defendant did not properly supervise and train the Plaintiff's supervisors regarding appropriate behavior towards employees with injuries or disabilities; (c) the Defendant did not properly train the Plaintiff's supervisors regarding the Defendants' policies towards a workplace free of handicap and disability discrimination; (d) the Defendant did not have a viable and reasonable procedure and policy in effect to encourage and promote employees to report handicap and disability discrimination occurring within the Defendant's workplace; and (e) the Defendant did not have a viable and reasonable procedure and policy in effect to provide reasonable accommodation to its employees with disabilities.

33. The Plaintiff's managers and supervisors discriminated against Plaintiff as a result of her physical disability and/or their perception of her physical disability by terminating the Plaintiff, even though she was able to perform all her job duties. The management teams' actions show that the Defendant had not properly trained the managers and supervisors or provided proper instruction regarding the handling and processing of employees with disabilities, to prevent discrimination against the Plaintiff for her disability.

34. At said relevant dates and times as set forth herein:

- a) the Plaintiff was a qualified individual with a disability that substantially limited a major life activity and/or the employer treated and perceived the Plaintiff as if the Plaintiff's impairment substantially limited a major life activity;
- b) the Plaintiff was able to perform the essential functions of her job with or without reasonable accommodation; and
- c) the Plaintiff suffered a tangible employment action in being discharged or terminated by the employer as a result of her disability.

APPLICABLE TO ALL COUNTS

35. As a result of the Defendant's culpable acts or omissions as set forth herein, the Plaintiff was improperly retaliated against and terminated by the Defendant and is entitled to compensation for past, present and future wages and benefits, incidental damages, compensation for emotional distress, humiliation, mental anguish, embarrassment, pain and suffering and other nonpecuniary losses.

36. Plaintiff further submits that the Defendant has acted: (a) intentionally, (b) maliciously, or (c) recklessly in terminating the Plaintiff and that the Plaintiff is entitled to an award of punitive damages.

37. Plaintiff has suffered direct pecuniary losses as a result of the Defendant's violations of the Tennessee Human Rights Act and common law.

38. Plaintiff will continue to suffer direct pecuniary losses as a result of the Defendant's culpable acts or omissions as set forth herein, the Defendant's violation of the Tennessee Human Rights Act and common law.

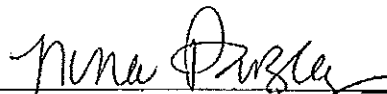
39. Plaintiff is entitled to compensation for incidental damages, attorney's fees, compensation for emotional distress, humiliation, mental anguish, embarrassment,

pain and suffering and other nonpecuniary losses.

WHEREFORE PLAINTIFF PRAYS:

- a) that service of process issue to Defendant as set forth in;
- b) the Plaintiff be awarded compensatory damages of \$150,000 or as amount to be determined by the jury;
- c) the Plaintiff be awarded punitive damages of \$150,000 or an amount to be determined by the jury;
- d) that the Court award the Plaintiff attorney's fees and costs incurred in prosecuting this action and such discretionary costs as provided under Tennessee law;
- e) that the Court award the Plaintiff such other, further, general and different relief to which she may be entitled; and
- f) that a jury of twelve (12) be empanelled to try this action.

Respectfully submitted,



Nina Parsley [BPR No. 23818]
Michael Ponce & Associates, PLLC
1000 Jackson Road, Suite 225
Goodlettsville, TN 37072
(615) 851-1776
nina@poncelaw.com
Attorney for the Plaintiff

Copy

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

2012 JUL 16 PM 1:50

- ☒ First
☐ Alias
☐ Pluries

SHANNON RUSSELBURG

RICHARD R. ROOKER, CLERK

CIVIL ACTION
DOCKET NO. 12C2792

Plaintiff

Vs.

GREEN HILLS CHIROPRACTIC CLINIC, LLC

Through Registered Agent: James H. Porter

Suite 2500, 511 Union Street

Nashville, TN 37219-1733

Defendant

Method of Service:

- ☒ Davidson County Sheriff \$9.00
☐ Out of County Sheriff
☐ Secretary of State
☐ Certified Mail
☐ Personal Service
☐ Commissioner of Insurance

DI, w/c Int & Ry

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 7/16/12

RICHARD R. ROOKER
Circuit Court Clerk
Davidson County, Tennessee

By:

Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

Michael Ponce and Associates

1000 Jackson Road, Ste. 225

Address

Goodlettsville, TN 37072 (615) 851-1776

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER
Circuit Court Clerk

Received this summons for service this _____ day of _____, 20____.

SHERIFF



If you have a disability and require assistance, please contact
862-5204.

Copy

RETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of JUL 25 2012, 20____, I:

[] served this summons and complaint/petition on _____
_____ in the following manner:

X failed to serve this summons within 90 days after its issuance because JAMES H. BOWEN

as for GRAD NAIL CHAIRMAN CLERK IS NOT TO BE FILING IN
MY COUNTY NO LONGER EMPLOYED AT LESTER HARRIS
Deputy Shawn Dromgoole, SR.
Sheriff/Process Server

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 20____ I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the compliant in Docket _____ to the defendant, _____. On the _____ day of _____, 20____, I received the return receipt for said registered or certified mail, which had been signed by _____ on the _____ day of _____, 20____. Said return receipt is attached to this original summons and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS _____ DAY OF _____, 20____.

PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

NOTARY PUBLIC or _____ DEPUTY CLERK
MY COMMISSION EXPIRES: _____

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

ATTACH

RETURN

RECEIPT

HERE

(IF APPLICABLE)

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, Richard R. Rooker, Clerk of the Circuit Court in the State and County aforesaid, do hereby certify this to be a true and correct copy of the original summons issued in this case.

RICHARD R. ROOKER, CLERK

(To be completed only if
copy certification required.)

By: _____ D.C.

Copy

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

FILED
STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT
2012 JUL 16 PM 1:50

- ☒ First
☐ Alias
☐ Pluries

SHANNON RUSSELBURG

RICHARD R. ROOKER, CLERK

CIVIL ACTION
DOCKET NO. 12C2792

Plaintiff

Vs.

GREEN HILLS CHIROPRACTIC CLINIC, LLC

Through Registered Agent: James H. Porter

Suite 2500, 511 Union Street

Nashville, TN 37219-1733

Defendant

Method of Service:

- ☒ Davidson County Sheriff \$9.00
☐ Out of County Sheriff
☐ Secretary of State
☐ Certified Mail
☐ Personal Service
☐ Commissioner of Insurance

DI, w/c Int & P

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 7/16/12

RICHARD R. ROOKER
Circuit Court Clerk
Davidson County, Tennessee

By:

Deputy Clerk

ATTORNEY FOR PLAINTIFF

Michael Ponce and Associates

or

1000 Jackson Road, Ste. 225

Address

PLAINTIFF'S ADDRESS

Goodlettsville, TN 37072 (615) 851-1776

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER
Circuit Court Clerk

Received this summons for service this 17 day of July, 2012

SHERIFF



If you have a disability and require assistance, please contact
862-5204.

Copy

CIRCUIT COURT SUMMONS

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

NASHVILLE, TENNESSEE

- ☐ First
☒ Alias
☐ Pluries

CIVIL ACTION

DOCKET NO. 126792

1262792

Method of Service:

- ☒ Davidson County Sheriff
☐ Out of County Sheriff
☐ Secretary of State
☐ Certified Mail
☐ Personal Service
☐ Commissioner of Insurance

\$9

D1
w/c, INT

SHANNON RUSSELBURG

Plaintiff

Vs.

GREEN HILLS CHIROPRACTIC CLINIC, LLC

Serve: Dr. Beth Barnett, Managing Partner

2303 Crestmoor Road

Nashville, TN 37215

Defendant

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 9/6/2012

RICHARD R. ROOKER
Circuit Court Clerk
Davidson County, Tennessee

By: A. M. [Signature]
Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

Michael Ponce and Associates

1000 Jackson Road, Ste. 225

Address

Goodlettsville, TN 37072 (615) 851-1776

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER
Circuit Court Clerk

Received this summons for service this _____ day of _____, 20____.

SHERIFF



If you have a disability and require assistance, please contact
862-5204.

Copy

RETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of 9-18-12, 20____, I:

13 served this summons and complaint/petition on SERUED GREEN HALL

CHIROPRACTIC CLINIC, LLC in the following manner:

Copy with Carol
_____ failed to serve this summons within 90 days after its issuance because _____

J R Davis DS
Sheriff/Process Server

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 20____ I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the compliant in Docket _____ to the defendant, _____. On the _____ day of _____ 20____, I received the return receipt for said registered or certified mail, which had been signed by _____ on the _____ day of _____, 20____. Said return receipt is attached to this original summons and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS _____ DAY OF _____, 20____.

PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

NOTARY PUBLIC or _____ DEPUTY CLERK
MY COMMISSION EXPIRES: _____

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

ATTACH
RETURN
RECEIPT
HERE
(IF APPLICABLE)

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, Richard R. Rooper, Clerk of the Circuit Court in the State and County aforesaid, do hereby certify this to be a true and correct copy of the original summons issued in this case.

RICHARD R. ROOPER, CLERK

(To be completed only if
copy certification required.)

By: _____ D.C.

Copy 9/12

CIRCUIT COURT SUMMONS

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

NASHVILLE, TENNESSEE

- ☐ First
☒ Alias
☐ Pluries

CIVIL ACTION

DOCKET NO. 120292

120292

Method of Service:

- ☒ Davidson County Sheriff
☐ Out of County Sheriff
☐ Secretary of State
☐ Certified Mail
☐ Personal Service
☐ Commissioner of Insurance

SHANNON RUSSELBURG

Plaintiff

Vs.

GREEN HILLS CHIROPRACTIC CLINIC, LLC

Serve: Dr. Beth Barnett, Managing Partner

2303 Crestmoor Road

Nashville, TN 37215

Defendant

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In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 9/6/2012

RICHARD R. ROOKER

Circuit Court Clerk

Davidson County, Tennessee

By: A. M. Ponce

Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

Michael Ponce and Associates

1000 Jackson Road, Ste. 225

Address

Goodlettsville, TN 37072 (615) 851-1776

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER

Circuit Court Clerk

Received this summons for service this

8

day of

Sept

20

SHERIFF



If you have a disability and require assistance, please contact
862-5204.

Copy

RETURN ON PERSONAL SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of 9-18-12, 20____, I:

15 served this summons and complaint/petition on SERVED Green Hill
CHIROPRACTIC CLINIC, LLC in the following manner:

Copy with Carol
_____ failed to serve this summons within 90 days after its issuance because _____

J R Davis DS
Sheriff/Process Server

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 20____ I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the compliant in Docket _____ to the defendant, _____ On the _____ day of _____ 20____, I received the return receipt for said registered or certified mail, which had been signed by _____ on the _____ day of _____, 20____ Said return receipt is attached to this original summons and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS
_____ DAY OF _____, 20____

PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

NOTARY PUBLIC or _____ DEPUTY CLERK
MY COMMISSION EXPIRES: _____

NOTICE

TO THE DEFENDANT(S):

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STATE OF TENNESSEE
COUNTY OF DAVIDSON

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RICHARD R. ROOPER, CLERK

(To be completed only if
copy certification required.)

By: _____ D.C.

Copy 9/12

CIRCUIT COURT SUMMONS

STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT

NASHVILLE, TENNESSEE

- ☐ First
☒ Alias
☐ Pluries

CIVIL ACTION

DOCKET NO. 126722

1202792

Method of Service:

- ☒ Davidson County Sheriff
☐ Out of County Sheriff
☐ Secretary of State
☐ Certified Mail
☐ Personal Service
☐ Commissioner of Insurance

SHANNON RUSSELBURG

Plaintiff

Vs.

GREEN HILLS CHIROPRACTIC CLINIC, LLC

Serve: Dr. Beth Barnett, Managing Partner

2303 Crestmoor Road

Nashville, TN 37215

Defendant

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ISSUED: 9/6/2012

RICHARD R. ROOKER

Circuit Court Clerk

Davidson County, Tennessee

By: A. M. Ponce
Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

Michael Ponce and Associates

1000 Jackson Road, Ste. 225

Address

Goodlettsville, TN 37072 (615) 851-1776

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

RICHARD R. ROOKER

Circuit Court Clerk

Received this summons for service this

8

day of

Sept

20

12

SHERIFF



If you have a disability and require assistance, please contact
862-5204.

↗

IN THE SIXTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

IN RE:)
)
)
CASE MANAGEMENT)
& STATUS DOCKET CALL)
FOR CERTAIN CASES)

FILED
2012 DEC 17 AM 9:27
RICHARD R. HOOKER, CLERK
C. Snuggs D.C.

ORDER

Pursuant to Local Rule 27.06(e), the following civil cases are set for a conference at the times noted below. Should you have a scheduling conflict, please contact the Special Master's office to reschedule as soon as possible but no later than two (2) business days before the conference. Contact information is located at the bottom of the last page of this order. All attorneys of record shall attend. Failure to participate **in person** may subject you to sanctions under T.R.C.P. §16.06. Attorneys from counties non-contiguous with Davidson County may participate by telephone so long as arrangements are made prior to the day of the conference. Do not submit a scheduling order in lieu of appearance. **DO NOT CALL CHAMBERS FOR INFORMATION REGARDING THIS CONFERENCE.**

Plaintiff's counsel is responsible for notifying the Special Master's office if the case is compromised and settled prior to the conference or if the defendant is not served with the summons. If the defendant has obtained counsel that not listed on the certificate of service, the plaintiff's counsel shall give notice of the scheduled conference.

FIFTH CIRCUIT COURT
CASE MANAGEMENT & STATUS DOCKET CALL
The conferences will be held in Suite 501, Historic Metropolitan Courthouse
1 Public Square, on February 12, 2013

09:30 a.m.	<u>Dianne Austin v Dredge and Marine</u>	12C-2620
09:45 a.m.	<u>Deborah Whitlock v Jeri Gibson</u>	12C-2639
10:00 a.m.	<u>Angela Williams v Ashley Collins</u>	12C-2646
10:15 a.m.	<u>Insulation Solutions v Burtin Polymer</u>	12C-2678
10:30 a.m.	<u>Khary Ahmed v Jade Roberson</u>	12C-2727
10:45 a.m.	<u>Raymond Herpy v My Hounng Pham</u>	12C-2761
11:00a.m.	<u>Jewell Holloway v Cheng Pan</u>	12C-2764
11:15 a.m.	<u>Shannon Russelburg v Green Hills Chiropractic</u>	12C-2792

Copy

11:30 a.m.	<u>Fadi Mallak v Darren Hern</u>	12C-2833
11:45 a.m.	<u>Shelbie Duke v Aleisia Buck</u>	12C-2847
01:00 p.m.	<u>Jack Copeland v ABL Management</u>	12C-2871
01:15 p.m.	<u>Steve Spurrier v Mapco Express</u>	12C-2887
01:30 p.m.	<u>Aaron Armstrong v Michael Wallace</u>	12C-2893
01:30 p.m.	<u>Madlyn Floyd v A-Z DME, Inc.</u>	12C-3209
01:45 p.m.	<u>Sam Sook Pak v Omer Durani</u>	12C-2920
01:45 p.m.	<u>Durani Auto v Sam Pak</u>	12C-3131
01:45 p.m.	<u>Sam Pak v Durani Auto</u>	12C-3132
02:00 p.m.	<u>Rhonda Abdalla v Franklin Williams</u>	12C-2965
02:15 p.m.	<u>Robert Preston v Jonathan Mace</u>	12C-2998
02:30 p.m.	<u>Amy Thieman v Isaac Brown</u>	12C-3010
02:45 p.m.	<u>Ester Blackard v Kroger</u>	12C-3031

IT IS SO ORDERED.

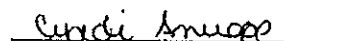
Entered this the _____ day of _____, 2012.



JUDGE THOMAS BROTHERS

CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing has been mailed, postage prepaid, to the following attorneys and/or parties for their respective cases on this the 17 day of December, 2012.



Cyndi Snuggs, Deputy Clerk

cc Dianne Austin v Dredge and Marine
David Randolph Smith, Esq.
Richard M. Smith, Esq.
David A. Changas, Esq.

Deborah Whitlock v Jeri Gibson
Chadwick W. Stanfill, Esq.
Nathaniel K. Cherry, Esq.

Angela Williams v Ashley Collins
Luvell L. Glanton, Esq.
R. Kreis White, Esq.

Insulation Solutions v Burtin Polymer
Alisha M. Toll, Esq.
Barry L. Howard, Esq.

Khayr Ahmed v Jade Roberson
Tim L. Bowden, Esq.
Jamie Morrell, Esq.

Raymond Herpy v My Hounng Pham
Aaron Woodard, Esq.
Joshua G. Offutt, Esq.
James R. Embrey, Jr., Esq.
Brenda Measells Dowdle, Esq.

Jewell Holloway v Cheng Pan
Chadwick W. Stanfill, Esq.
William G. McCaskill, Jr., Esq.

Shannon Russelburg v Green Hill Chiropractic
Nina Parsley, Esq.

Fadi Mallak v Darren Hern
Tim L. Bowden, Esq.
Gary R. Wilkinson, Esq.
Nathaniel K. Cherry, Esq.

Shelbie Duke v Aleisia Buck
Blair Durham, Esq.
Aaron Woodard, Esq.
R. Kreis White, Esq.

Jack Copeland v ABL Management

Jack L. Byrd, Esq.

Lauren L. Holloway, Esq.

Steve Spurrier v Mapco Express

John B. Stark, Esq.

Nathaniel K. Cherry, Esq.

Aaron Armstrong v Michael Wallace

Stanley A. Davis, Esq.

Jeffrey R. Kohl, Esq.

David J. White, Jr., Esq.

Madlyn Floyd v A-Z DME, LLC

Renard R. Hirsh, Sr., Esq.

Jeffrey R. Kohl, Esq.

David J. White, Jr., Esq.

Sam Sook Pak v Omer Durani

James R. Omer, Jr., Esq.

Dianne M. Schwartz, Esq.

Durani Auto v Sam Pak

Durani Auto Sales

Dianne M. Schwartz, Esq.

Cynthia D. Plymire, Esq.

Sam Pak v Durani Auto

Cynthia D. Plymire, Esq.

James R. Omer, Jr., Esq.

Durani Auto Sales

Rhonda Abdalla v Franklin Williams

Tim L. Bowden, Esq.

Bill Easterly, Esq.

Robert Preston v Jonathan Mace

Jeffery S. Roberts, Esq.

Gary M. Kellar, Esq.

Amy Thieman v Isaac Brown

James R. Omer, Jr., Esq.

R. Kreis White, Esq.

Copy

Ester Blackard v Kroger
John W. Roberts, Esq.
Michael H. Johnson, Esq.

e-mail: cynthiasnuggs@jis.nashville.org / phone: 615.880.2546



To request ADA accommodation, please contact
615-880-3309

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

SHANNON RUSSELBURG,

Plaintiff,

v.

GREEN HILLS CHIROPRACTIC
CLINIC, LLC,

Defendant.

Docket No.: 12C2792
JURY DEMAND (12)

FILED
2012 DEC 18 PM 1:16

CLERK
D.C.

AMENDED COMPLAINT

Comes now the Plaintiff, by and through counsel, and would respectfully submit to the Court the following Complaint:

1. The Plaintiff Shannon Russelburg is a resident of the State of Tennessee, residing in Davidson County, Tennessee.

2. The Defendant Green Hills Chiropractic Clinic, LLC is a domestic limited liability company who is authorized to be and doing business in the State of Tennessee. The Defendant's principal place of business is at 2303 Crestmoor Road, Nashville, Tennessee 37215-2003. They can be served through their registered agent for service of process, James H. Porter, suite 2500, 511 Union Street, Nashville, TN 37219-1733

3. Jurisdiction in this matter is proper because the events giving rise to this matter took place in Davidson County, Tennessee.

FACTUAL BACKGROUND

4. The Plaintiff was hired by the Defendant on or about October 19, 2009 as a front office employee.

5. The Plaintiff suffers from Crohn's disease and notified the Defendant of

this condition at the time of her hire.

6. In July 2011, the Plaintiff suffered from an increase in symptoms of her condition, which resulted in her need for surgical intervention.

7. In July 2011, the Defendant requested that the Plaintiff attend a conference which required her to travel out of town. Due to her increased symptoms and the medication that she was taking to control the condition, her physician restricted her from travel.

8. The Plaintiff requested the reasonable accommodation of no traveling per her physician's recommendation. Although the accommodation was granted, the Plaintiff was subsequently subjected to discrimination and disparaging treatment by the Defendant.

9. In August of 2011, the Plaintiff underwent surgery for her Crohn's disease in an attempt to control her symptoms. She requested the reasonable accommodation of unpaid time off work to recover from this surgery.

10. The Plaintiff's physician recommended that she be off work to recover until October 10, 2011.

11. Plaintiff's request was granted.

12. On or about October 5, 2011, the Plaintiff contacted the Defendant and advised she was released to return to work, without any limitations. She was advised to report to work on October 10, 2011.

13. On or about October 10, 2011, the Plaintiff reported to work and was ready, willing and able to work and to perform her job duties without limitations.

14. On or about October 10, 2011, the Defendant terminated the Plaintiff's employment due to her disability. The Plaintiff's separation notice specifically states "the job is too stressful. It affects her health and ability to do job tasks."

15. The Plaintiff has exhausted her administrative remedies with the Equal Employment Opportunity Commission and has been issued a right to sue letter.

DISABILITY DISCRIMINATION

16. Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 – 15 above.

17. At all times pertinent to this action, the Plaintiff was an employee of the Defendant with a "disability" within the meaning of the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq.

18. At all times pertinent to this action, the Defendant was an "employer" within the meaning of the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq.

19. The Plaintiff asserts from July 2011 through October 5, 2011, the Plaintiff was operating under a physical impairment that substantially limited one or more major life activities, which was apparent to and perceived by the Defendants.

20. Additionally, the Plaintiff informed the Defendant of her limitations and disabilities.

21. At the time of her termination, the Plaintiff suffered from Crohn's disease.

22. At the time of her termination, Plaintiff qualified as an individual with a disability consistent with the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq.

23. Plaintiff also contends that during her employment and until her termination, she suffered from substantial limitations of several major bodily functions including but not limited to functions of the autoimmune system and digestive system.

24. At the time of her termination, Plaintiff was not under any restrictions by her physician for her condition.

25. During her employment, management made negative comments about Plaintiff's health problems and her limitations.

26. At the time of her termination Plaintiff was able to perform all essential functions of her job with and/or without reasonable accommodation.

27. The Defendant perceived or regarded the Plaintiff's medical condition as a handicap, consistent with the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq.

28. During this applicable time period, the Plaintiff 1) suffered from one or more physical impairment that substantially limited one or more of the Plaintiff's major life activities; 2) the Plaintiff was qualified and able to perform the required job despite the handicap or disability; and 3) the Defendant knowingly discriminated against the Plaintiff because of her disability.

29. The Defendant's termination of the Plaintiff constituted an adverse employment action.

30. The Plaintiff avers the Defendant's reason for termination was illegal.

31. The Defendant's termination of the Plaintiff constituted a violation of the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq.

32. The Defendant discriminated against the Plaintiff and treated her poorly from the time the Defendants knew of her disabling injuries until the date of her discharge.

33. At all relevant dates and times as forth herein, the Defendant is vicariously liable for the actions and inappropriate conduct of its employees, agents and/or representatives because: (a) the Defendant did not exercise reasonable care to promptly correct and prevent the handicap and disability discriminating behavior; (b) the Defendant did not properly supervise and train the Plaintiff's supervisors regarding appropriate behavior towards employees with injuries or disabilities; (c) the Defendant did not properly train the Plaintiff's supervisors regarding the Defendants' policies towards a workplace free of handicap and disability discrimination; (d) the Defendant did not have a viable and reasonable procedure and policy in effect to encourage and promote employees to report handicap and disability discrimination occurring within the Defendant's workplace; and (e) the Defendant did not have a viable and reasonable procedure and policy in effect to provide reasonable accommodation to its employees with disabilities.

34. The Plaintiff's managers and supervisors discriminated against Plaintiff as a result of her physical disability and/or their perception of her physical disability by terminating the Plaintiff, even though she was able to perform all her job duties. The management teams' actions show that the Defendant had not properly trained the managers and supervisors or provided proper instruction regarding the handling and processing of employees with disabilities, to prevent discrimination against the Plaintiff for her disability.

35. The Defendant's failure to engage in a bona-fide interactive process with the employee, and its decision to terminate the Plaintiff constitutes discrimination against the Plaintiff due to his disability in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and the Americans with Disabilities Amendments Act of 2008.

36. At said relevant dates and times as set forth herein:

- a) the Plaintiff was a qualified individual with a disability that substantially limited a major life activity and/or the employer treated and perceived the Plaintiff as if the Plaintiff's impairment substantially limited a major life activity;
- b) the Plaintiff was able to perform the essential functions of her job with or without reasonable accommodation; and
- c) the Plaintiff suffered a tangible employment action in being discharged or terminated by the employer as a result of her disability.

APPLICABLE TO ALL COUNTS

37. As a result of the Defendant's culpable acts or omissions as set forth herein, the Plaintiff was improperly retaliated against and terminated by the Defendant and is entitled to compensation for past, present and future wages and benefits, incidental

damages, compensation for emotional distress, humiliation, mental anguish, embarrassment, pain and suffering and other nonpecuniary losses.

38. Plaintiff further submits that the Defendant has acted: (a) intentionally, and/or (b) maliciously, and/or (c) recklessly in terminating the Plaintiff and that the Plaintiff is entitled to an award of punitive damages.

38. Plaintiff has suffered direct pecuniary losses as a result of the Defendant's violations of the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq. and common law.

39. Plaintiff will continue to suffer direct pecuniary losses as a result of the Defendant's culpable acts or omissions as set forth herein, the Defendant's violation of the Tennessee Disability Act, Tenn. Code Ann. § 8-50-103 and the Tennessee Human Rights Act and pursuant to Tenn. Code Ann § 4-21-101 et seq. and the Americans with Disabilities Act Amendments Act, 42 U.S.C. § 12101 et seq. and common law.


40. Plaintiff is entitled to compensation for incidental damages, attorney's fees, compensation for emotional distress, humiliation, mental anguish, embarrassment, pain and suffering and other nonpecuniary losses.

WHEREFORE PLAINTIFF PRAYS:

- a) that service of process issue to Defendant as set forth in;
- b) the Plaintiff be awarded compensatory damages of \$150,000 or as amount to be determined by the jury;

- c) the Plaintiff be awarded punitive damages of \$150,000 or an amount to be determined by the jury;
- d) that the Court award the Plaintiff attorney's fees and costs incurred in prosecuting this action and such discretionary costs as provided under Tennessee law;
- e) that the Court award the Plaintiff such other, further, general and different relief to which she may be entitled; and
- f) that a jury of twelve (12) be empanelled to try this action.

Respectfully submitted,



Nina Parsley [BPR No. 23818]
Michael Ponce & Associates, PLLC
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Goodlettsville, TN 37072
(615) 851-1776
nina@poncelaw.com
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served by first class U.S. Mail, postage prepaid, upon:

Christopher Cardwell, Esq.
Gullett, Sanford, Robinson & Martin, PLLC
150 Third Svenue, South
Suite 1700
Nashville, TN 37201

On the 14th day of December, 2012


Nina H. Parsley